



Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022

Cindy Kiro, Governor-General

Order in Council

At Wellington this 14th day of November 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 98 of the Screen Industry Workers Act 2022—

- (a) on the advice and with the consent of the Executive Council; and
- (b) in accordance with section 38(4) of that Act.

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Regulations

1 Title

These regulations are the Employment Relations Authority (Screen Industry Workers) Amendment Regulations 2022.

2 Commencement

These regulations come into force on 30 December 2022.

3 Principal regulations

These regulations amend the Employment Relations Authority Regulations 2000.

4 Enacting statement amended

In the enacting statement, after "2000", insert "and section 98 of the Screen Industry Workers Act 2022".

5 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), insert in its appropriate alphabetical order:

bargaining notice means a bargaining notice provided to the Authority with an application for approval to initiate bargaining for an occupational contract (*see* section 36(3) of the Screen Industry Workers Act 2022), and published by the Authority on an Internet site in accordance with section 38(2)(a) of that Act

(2) Replace regulation 3(2)(a) with:

- (a) any word or expression that is defined in the Act or the Screen Industry Workers Act 2022, and that is used, but not defined, in these regulations—
 - (i) has the same meaning as in the Act, for the purpose of any matter that relates to the Act; and
 - (ii) has the same meaning as in the Screen Industry Workers Act 2022, for the purpose of any matter that relates to the Screen Industry Workers Act 2022:

6 Regulation 4 amended (Application)

After regulation 4(1)(a), insert:

- (aa) to support successful workplace relationships under the Screen Industry Workers Act 2022 and the good faith obligations that underpin them; and

7 Regulation 5 amended (Commencement of proceedings)

In regulation 5(3), replace “regulations 9A, 10, and 12” with “regulations 9A, 10, 12, 26A, 26G, and 26I”.

8 Regulation 8 amended (Statement in reply)

(1) In regulation 8(1), replace “regulation 5 or regulation 10 or regulation 12” with “regulation 5, 10, 12, 26G, or 26I”.

(2) Replace regulation 8(2) with:

- (2) The statement in reply must—
 - (a) be in form 5 if it relates to an application for joining a controlling third party to proceedings to resolve a personal grievance;
 - (b) be made in accordance with regulation 26H, if it relates to an application for determination of a dispute under the Screen Industry Workers Act 2022;
 - (c) be made in accordance with regulation 26J, if it relates to an application for the Authority to fix disputed terms under the Screen Industry Workers Act 2022;
 - (d) be in form 3 in any other case.

9 Regulation 16 amended (Service of notices and documents)

In regulation 16(2), replace “regulations 5, 9A, 10, and 12” with “regulations 5, 9A, 10, 12, 26G, and 26I”.

10 New regulations 26A to 26J and cross-heading inserted

After regulation 26, insert:

*Applications under Screen Industry Workers Act 2022***26A Application for approval to initiate bargaining**

- (1) An application for approval to initiate bargaining for an occupational contract must be made in accordance with regulations 12A to 14.
- (2) In addition to the information specified in section 36 of the Screen Industry Workers Act 2022, the applicant must include the following information in the application:
 - (a) the name of the applicant organisation:
 - (b) whether the applicant organisation is registered as a worker organisation or an engager organisation:
 - (c) the name of each proposed bargaining party:
 - (d) whether each proposed bargaining party is registered as a worker organisation or an engager organisation:
 - (e) the name of a contact person for the applicant organisation, and that person's postal address, phone number, and email address.
- (3) The applicant must also use their best endeavours to include in the application the name of a contact person for each proposed bargaining party, and that person's postal address, phone number, and email address.
- (4) The application must be dated and signed by the applicant.

26B Form of all submissions in response to application to initiate bargaining

- (1) Submissions to the Authority in response to an application for approval to initiate bargaining for an occupational contract must be made in accordance with regulations 12A to 14.
- (2) The submitter must include the following information in the submission:
 - (a) the name of the submitter:
 - (b) in the case of a submitter who is an engager organisation or a worker organisation, the name of the organisation:
 - (c) the submitter's phone number and email address:
 - (d) the applicable information specified in whichever of the following regulations applies (if any):
 - (i) in the case of an individual worker submitting in respect of a worker organisation's application to initiate bargaining, regulation 26C:

- (ii) in the case of an individual engager submitting in respect of an engager organisation's application to initiate bargaining, regulation 26D:
 - (iii) in the case of a worker organisation submitting in respect of an application by another worker organisation to initiate bargaining, regulation 26E:
 - (iv) in the case of an engager organisation submitting in respect of an application by another engager organisation to initiate bargaining, regulation 26F.
- (3) A submission may also contain other information, including the following:
- (a) any comments the submitter wishes to make about the potential bargaining parties identified in the bargaining notice:
 - (b) the names of any worker organisations that are not identified in the bargaining notice and that the submitter believes have 1 or more members who are within the specified occupational group:
 - (c) the names of any engager organisations that are not identified in the bargaining notice and that the submitter believes have 1 or more members who engage workers who are within the specified occupational group:
 - (d) any comments the submitter wishes to make on how the ratification vote ought to be run to allow eligible voters to vote.
- (4) The submission must be dated and signed by the submitter.

26C Individual worker's submission in respect of worker organisation's application to initiate bargaining

- (1) This regulation applies to an individual worker who wishes to make a submission in respect of a worker organisation's application to initiate bargaining for an occupational contract.
- (2) The worker must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in their submission:
 - (a) the name of any worker organisations the worker is a member of:
 - (b) whether the worker works in the specified occupational group:
 - (c) whether the worker supports or opposes the initiation of bargaining for an occupational contract that will apply to the worker.

26D Individual engager's submission in respect of engager organisation's application to initiate bargaining

- (1) This regulation applies to an individual engager who wishes to make a submission in respect of an engager organisation's application to initiate bargaining for an occupational contract.
- (2) The engager must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in their submission:

- (a) the name of any engager organisations the engager is a member of:
- (b) whether the engager engages workers in the specified occupational group:
- (c) whether the engager supports or opposes the initiation of bargaining for an occupational contract that will apply to the engager.

26E Worker organisation's submission in respect of application by another worker organisation to initiate bargaining

- (1) This regulation applies to a worker organisation that wishes to make a submission in respect of an application by another worker organisation to initiate bargaining for an occupational contract.
- (2) The worker organisation must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in its submission:
 - (a) how many members of the worker organisation are within coverage of the proposed occupational contract:
 - (b) whether a simple majority of its members who are within coverage support bargaining being initiated.

26F Engager organisation's submission in respect of application by another engager organisation to initiate bargaining

- (1) This regulation applies to an engager organisation that wishes to make a submission in respect of an application by another engager organisation to initiate bargaining for an occupational contract.
- (2) The engager organisation must, in addition to the information specified in regulation 26B(2)(a) to (c), include the following information in its submission:
 - (a) how many members of the engager organisation are within coverage of the proposed occupational contract:
 - (b) whether a simple majority of its members who are within coverage support bargaining being initiated.

26G Application for determination of dispute under Screen Industry Workers Act 2022

- (1) An application for determination of a dispute under section 72 of the Screen Industry Workers Act 2022 must be made in accordance with regulations 12A to 15.
- (2) The application must include the following information:
 - (a) the full name, address, phone number, and email address of the respondent:
 - (b) a statement of the facts that have given rise to the dispute:
 - (c) a statement of how the applicant wishes the dispute to be resolved:

- (d) a list of all of the documents to be provided with the application in accordance with subclause (3):
 - (e) a statement of whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):
 - (f) a statement of whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:
 - (g) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:
 - (h) a description of any other steps taken to resolve the dispute.
- (3) The applicant must provide the following, along with the application:
- (a) a copy of the applicable individual contract or collective contract (if any):
 - (b) other documents that are relevant to the dispute (if any).
- (4) The application must be dated and signed by the applicant.

26H Statement in reply to application for determination

- (1) A statement in reply to an application for determination of a dispute under the Screen Industry Workers Act 2022 must be made in accordance with regulations 8 and 12A to 15.
- (2) The statement must include the following information:
- (a) the full name, address, phone number, and email address of the applicant:
 - (b) the respondent's view in relation to the dispute:
 - (c) the respondent's view of the relevant facts:
 - (d) any other comments the respondent wishes the Authority to consider:
 - (e) a list of all of the documents to be provided with the application in accordance with subclause (3):
 - (f) a statement of whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):
 - (g) a statement of whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:
 - (h) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:

- (i) a description of any other steps taken to resolve the dispute.
- (3) The respondent must provide the following, along with the statement in reply:
 - (a) a copy of the applicable individual contract or collective contract (if any):
 - (b) other documents that are relevant to the dispute (if any).
- (4) The statement in reply must be dated and signed by the respondent.

26I Application for Authority to fix disputed terms

- (1) An application for the Authority to fix disputed terms in a collective contract under section 73 of the Screen Industry Workers Act 2022 must be made in accordance with regulations 12A to 15.
- (2) The application must include the following information:
 - (a) the full name, address, phone number, and email address of the respondent:
 - (b) whether the parties have tried to settle the disputed terms by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):
 - (c) whether the parties have tried to settle the disputed terms by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:
 - (d) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:
 - (e) whether the parties have tried to settle the disputed terms by using facilitated bargaining provided by the Authority (and, if so, the date or dates of the facilitated bargaining):
 - (f) if the parties have not attempted to settle the disputed terms by using facilitated bargaining, a statement explaining why not:
 - (g) a description of any other steps taken to settle the disputed terms.
- (3) The applicant must provide, along with the application, the applicant's signed statement as to the state of negotiations (including full particulars of the final offer being made by the applicant) as required by clause 3 of Schedule 4 of the Screen Industry Workers Act 2022.
- (4) The application must be dated and signed by the applicant.

26J Statement in reply to application for Authority to fix disputed terms

- (1) A statement in reply to an application for the Authority to fix disputed terms using the final offer arbitration process under section 74 of the Screen Industry Workers Act 2022 must be made in accordance with regulations 8 and 12A to 15.

- (2) The statement must include the following information:
 - (a) the full name, address, phone number, and email address of the applicant:
 - (b) whether the parties have tried to resolve the dispute by using mediation services provided by the Ministry of Business, Innovation, and Employment (and, if so, the date or dates on which mediations took place):
 - (c) whether the parties have tried to resolve the dispute by using mediation services other than those provided by the Ministry of Business, Innovation, and Employment:
 - (d) if the parties have not attempted to resolve the dispute by using mediation services, a statement explaining why not:
 - (e) whether the parties have tried to settle the disputed terms by using facilitated bargaining provided by the Authority (and, if so, the date or dates of the facilitated bargaining):
 - (f) if the parties have not attempted to settle the disputed terms by using facilitated bargaining, a statement explaining why not:
 - (g) a description of any other steps taken to resolve the dispute.
- (3) The respondent must provide, along with the statement in reply, the respondent's signed statement as to the state of negotiations (including full particulars of the final offer being made by the respondent) as required by clause 3 of Schedule 4 of the Screen Industry Workers Act 2022.
- (4) The statement in reply must be dated and signed by the respondent.

11 Regulation 27 amended (Fees)

Replace regulation 27(3) with:

- (3) The fees are exclusive of goods and services tax.

12 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in the Schedule of these regulations.

Schedule Schedule 2 replaced

r 12

Schedule 2		
Fees		
		r 27
		Amount (\$) (excluding GST)
1	Lodging an application under regulation 5	62.22
2	Lodging an application for investigation to be reopened	133.33
3	Lodging an application for the removal of a matter, or part of a matter, to the Employment Court	133.33
4	Investigation meeting fee, for each half day or part thereof after the first day	133.33
5	Lodging an application under regulation 26G for the determination of a dispute under the Screen Industry Workers Act 2022	62.22
6	Lodging an application under regulation 26I for the Authority to fix disputed terms in a collective contract under the Screen Industry Workers Act 2022	62.22

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 30 December 2022, amend the Employment Relations Authority Regulations 2000 (the **principal regulations**) to insert details of the processes for certain applications to the Employment Relations Authority (the **Authority**) under the Screen Industry Workers Act 2022.

Regulation 4 updates the enacting statement of the principal regulations, to record that some of the principal regulations are made under empowering provisions in the Screen Industry Workers Act 2022.

Regulation 5 inserts a definition of bargaining notice into regulation 3(1) of the principal regulations, and provides for terms used in the principal regulations and defined in the Screen Industry Workers Act 2022 to have the same meaning as in that Act for the purpose of any matter relating to that Act.

Regulation 6 adds a paragraph to regulation 4 of the principal regulations, to provide that the regulations are to be applied in a way that best enables the Authority to sup-

port successful workplace relationships under the Screen Industry Workers Act 2022 and the good faith obligations that underpin them.

Regulation 7 amends regulation 5 of the principal regulations to insert cross-references to new regulations relating to applications under the Screen Industry Workers Act 2022.

Regulation 8 amends regulation 8 of the principal regulations to insert requirements for statements in reply in respect of certain applications under the Screen Industry Workers Act 2022.

Regulation 9 amends regulation 16 of the principal regulations to insert cross-references to new regulations relating to applications under the Screen Industry Workers Act 2022.

Regulation 10 inserts *new regulations 26A to 26J* into the principal regulations. Those new regulations set out the following:

- the process for worker organisations and engager organisations to apply to the Authority to initiate bargaining for an occupational contract under the Screen Industry Workers Act 2022, and the information that must be provided in the application (*new regulation 26A*):
- the form of, and information that must be contained in, submissions to the Authority in relation to bargaining initiation (*new regulations 26B to 26F*):
- the process to apply to the Authority for the Authority to determine a dispute under the Screen Industry Workers Act 2022, and the information that must be provided (*new regulation 26G*):
- the process to make a statement in reply, and the information it must contain (*new regulation 26H*).
- the process to apply to the Authority for the Authority to fix disputed terms of a collective contract under the Screen Industry Workers Act 2022, and the information that must be provided (*new regulation 26I*):
- the process to make a statement in reply, and the information it must contain (*new regulation 26J*).

Regulation 11 replaces regulation 27(3) of the principal regulations to provide that the fees set out in the schedule of fees are exclusive of goods and services tax (GST).

Regulation 12 replaces the schedule of fees in the principal regulations to do the following 2 things:

- convert all existing fees to a GST-exclusive figure:
- insert 2 new fees for lodging applications for the Authority to—
 - determine a dispute under the Screen Industry Workers Act 2022; or
 - fix disputed terms in a collective contract under that Act.

**Employment Relations Authority (Screen Industry
Workers) Amendment Regulations 2022**

2022/298

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 17 November 2022.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2022